

## **PPB Will "Look Into" Portland Cops' Involvement in Racist, Retaliatory Arrest**

Alex Zielinski, 12 February 2020, Portland Mercury.

The Portland Police Bureau (PPB) department tasked with reviewing police misconduct is investigating Portland police officers' role in a 2017 arrest proven to be baseless—and purely retaliatory—in a recent federal court ruling.

On Wednesday, PPB Chief Resch released the bureau's police reports from February 2017 arrest in "an effort to be transparent" about PPB's role in the inflammatory case detailed in a Monday Oregonian article.

The case centers on the West Linn Police Department, which, under the guidance of its former Chief Terry Timeus, illegally surveilled, arrested, and detained a Portland man named Michael Fesser as a favor for Fesser's employer Eric Benson—who happened to be Timeus' close friend. According to court records, Benson was irritated that Fesser, a Black man, had raised concerns about racist harassment from coworkers at A&B Towing, the Southeast Portland towing company Benson ran. Benson convinced the police chief to investigate Fesser for an unsupported claim that Fesser was stealing money from the towing company.

Despite finding no evidence to support this allegation, West Linn detective Tony Reeves (who had sent Benson racist jokes about Fesser via text message during the investigation) asked PPB officers with the Gang Enforcement Team (now called the Gun Violence Reduction Team) to stop and arrest Fesser on his drive home from work on February 25, 2017.

According to the Oregonian's coverage, it didn't take much convincing for PPB officers to agree. That's because then-West Linn Lt. Mike Stradley had previously worked on Portland's gang enforcement team. (Stradley is also known for encouraging sexist, immature PPB hazing rituals steeped in sexual harassment.)

In a court deposition, Stradley said he remembered seeing Fesser hanging out with gang members in the 1990s, which is why he told West Linn detectives that Fesser was a "gang associate." So, when he told his former PPB colleagues on the gang enforcement team to arrest Fesser, they didn't hesitate.

Per court filings, one of the PPB arresting officers knew Fesser from Fesser's past ministry work in local prisons and said, at the time: "Mike, this is not my call. I don't want to be here. We're just assisting West Linn."

In the PPB report documenting the arrest, PPB officer Patrick Murphy writes that West Linn detective Reeves (who, at the time had the last name Poitras) had told PPB Sgt. Ken Duilio, a 20 year veteran of the gang enforcement team, that Reeves "had probable cause to arrest Michael Fesser." Duilio and fellow gang enforcement officer John Billard stopped Fesser near SE 102 and Foster, with two other PPB officers—Murphy and Kameron Fender—coming along for backup.

"Michael Fesser was taken into custody, and placed in the back of our patrol car," Murphy writes in the report.

In a Wednesday press release, PPB Chief Resch said that, "assisting other agencies with arrests within our jurisdiction is a routine part of police work."

Fesser's case was promptly dismissed. But when Fesser filed a federal lawsuit against West Linn, alleging retaliation and racial discrimination in September 2017, West Linn police convinced Multnomah County District Attorney's Office to revive the case—and put out a new warrant for his arrest.

According to PPB reports, that's when West Linn Lt. Stradley reached out to his former PPB colleagues again.

In a PPB report written in November 2017, PPB officer Charles Asheim explains that he had been contacted by Stradley "regarding an ongoing large theft investigation." Asheim said Stradley told him that Fesser "had made threats to assault [Benson], his employees, and to damage his business."

"Lt. Stradley was concerned that when Fesser was arrested he may follow through with these mentioned threats," the report reads.

If Asheim had investigated these claims, he would have found them to be false: In a court deposition, Benson told prosecutors he had never felt threatened by Fesser.

But Asheim instead "flagged" A&B Towing in the bureau's dispatch system, so officers would be informed about the "specific threats" if they were called to the business. (A note: Fesser's lawyer Paul Buchanan says PPB never shared this police report with the court even after Buchanan subpoenaed PPB for these records).

After a seemingly unbalanced grand jury trial, Fesser was indicted on five counts of first-degree theft. But after racist, plotting, and otherwise incriminating text messages from West Linn officers arose in March 2018, Multnomah County dropped Fesser's criminal charges. Last month, the City of West Linn agreed to pay Fesser \$600,000 to settle the federal lawsuit.

No involved officers, including Reeves, Timeus, Stradley, and all involved PPB cops, were charged for their retaliatory, racist investigation. After the incident, at the Oregonian points out, Reeves was promoted within the bureau, Stradley got a job supervising statewide police training, and Timeus retired with a \$123,000 payout. On Tuesday, West Linn police told the Oregonian it has no intention of re-investigating Reeves' racist and dishonest conduct in the case. On Wednesday, however, the Clackamas County District Attorney's office said it would conduct a full review of how West Linn police handled the investigation. The DA's interest prompted West Linn Police Department leadership to place Reeve on paid administrative leave.

All four PPB officers involved in Fesser's arrest are still on the force. PPB Chief Resch, however, says she's asked the PPB's Professional Standards Division—the department that investigates police misconduct—to "look into [PPB's] involvement" in the West Linn case.

On Wednesday afternoon, Multnomah County District Attorney's office also announced it would review its own role in the investigation and indictment. And by Wednesday evening, Oregon Governor Kate Brown had instructed the Oregon Department of Public Safety Standards and

Training— Stradley's currently employer—"to conduct a full and thorough review of this matter as swiftly as possible." Stradley has been placed on administrative leave pending the outcome of the investigation.

Portland City Commissioner Chloe Eudaly, who oversees the city's bureau of transportation, said Wednesday that she's working to terminate the city's current contract with A&B Towing. In a public statement, Eudaly said she was "sickened" by Fessen's story.

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